

589 Elsewhere the same observer informs us that, in 1840, the Creek national council undertook to reduce the period of enforced widowhood to 12 months, but so much opposition was aroused that they were forced to restore the old law the next year.²⁷

[736] The Tukabahchee chief informed Hitchcock that when there were widows or orphans with no one to take care of them he called the people out and had them put up a house for them, fence in a garden, and plant corn.

Claiborne says:

"With the Creeks, when a man dies, his wives can not dress up, or go into company, or attend the dances or appear in the town square, or bind up their hair for the period of 12 months, during which time they must remain chaste under the penalty of beating and cropping as above stated. The relations of the deceased husband have the privilege of releasing them from the observance of this custom before the year is out, but they seldom do so."²⁸

[587] The fact comes out plainly in all of these accounts that the clan, or rather the family group within the clan, which has furnished the husband or the wife of the widow or widower feels itself under obligations to supply his or her place, and on the other hand that it has the prior right to supply it. That not merely the man but the group had acquired the right to the individual is shown clearly by Swan's statement above that a widow who made free with any man until after four summers was considered an adulteress. This does not mean a communal right, however; merely a right to furnish the bereaved party with another spouse.

[614]

As might have been anticipated, Adair has a great deal to say on this subject, though it must be understood that his remarks apply more particularly to the Chickasaw:

"All the Indian widows, by an established strict penal law, mourn for the loss of their deceased husbands; and among some tribes for the space of three or four years. . . .

"The Muskohge widows are obliged to live a chaste single life, for the tedious space of four years; and the Chickasaw women, for the term of three, at the risque of the law of adultery being executed against the recusants. Every evening, and at the very dawn of day, for the first year of her widowhood, she is obliged through the fear of shame to lament her loss, in very intense audible strains. . . .

"Their law compels the widow, through the long term of her weeds, to refrain all public company and diversions, at the penalty of an adulteress; and likewise to go with flowing hair, without the privilege of oil to anoint it. The nearest kinsmen of the deceased husband, keep a very watchful eye over her conduct, in this respect. The

²⁷ See p. 384.

²⁸ Claiborne, *Mem.*, vol. 1, p. 482.

2